

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of: .

THE APPLICATION OF AFFINITY NETWORK )	
INCORPORATED FOR A CERTIFICATE TO )	CASE NO. 91-356
RESELL TELECOMMUNICATIONS )	

O R D E R

On October 1, 1991, Affinity Network Incorporated ("Affinity") filed its application with the Commission seeking a Certificate of Public Convenience and Necessity to resell intrastate long-distance telecommunications services within the Commonwealth of Kentucky.

Affinity is a California corporation proposing to resell AT&T Communications of the South Central States, Inc.'s tariffed services to primarily small and medium-sized businesses within the Commonwealth of Kentucky in accordance with the terms and conditions set forth in its tariff. Affinity is not seeking authority to provide any operator-assisted telecommunications services.

Affinity employs no transmission or reception telecommunications equipment or facilities in the performance of its services and all operating facilities, equipment, and networking will be provided by the underlying carrier. Order processing and customer billing shall be provided by Affinity.

In Affinity's December 18, 1991 response to the Commission's November 26, 1991 Order, the Commission was informed that money

had been collected for non-certified service. This alleged violation was resolved in Case No. 92-025 by Commission Order dated March 24, 1992.<sup>1</sup>

On December 18, 1991, Affinity also made certain corrections to its proposed tariff as requested by the Commission. In addition to those corrections, Affinity should also add the following language on Original Page 11 after Section 2.3.5:

Acceptance by the Commission of the liability provisions contained in this tariff does not constitute its determination that the limitation of liability imposed by the company should be upheld in a court of law, but the recognition that, as it is the duty of the courts to adjudicate negligence claims and rights to recover damages therefor, so it is the duty of the courts to determine the validity of the exculpatory provisions of this tariff.

The application provided by Affinity demonstrates its financial, managerial, and technical capability. The rates proposed should be approved as the fair, just, and reasonable rates to be charged.

The Commission, having considered the application, the information provided by Affinity, and being otherwise sufficiently advised, HEREBY ORDERS that:

1. Affinity be and it hereby is granted authority to provide intrastate long-distance telecommunications services within the Commonwealth of Kentucky on and after the date of this Order.

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<sup>1</sup> Case No. 92-025, Affinity Network Incorporated - Alleged Violation of KRS 278.020 and KRS 278.160.

2. Affinity shall comply with the provisions of the Orders in Administrative Case No. 323.<sup>2</sup>


3. Affinity's authority to provide service in this Commonwealth is strictly limited to those services described in this Order and Affinity's application.

4. The rates proposed by Affinity are hereby approved.


5. Within 30 days from the date of this Order, Affinity shall file its revised tariff sheets in accordance with 807 KAR 5:011 setting out the rates approved herein and all rules governing service in accordance with its December 18, 1991 filing and the Commission's Orders and administrative regulations.

Done at Frankfort, Kentucky, this 18th day of May, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director, Acting

<sup>2</sup> Administrative Case No. 323, An Inquiry Into IntraLATA Toll Competition, An Appropriate Compensation Scheme for Completion of IntraLATA Calls by Interexchange Carriers, and WATS Jurisdictionality, Orders dated May 6, 1991 and January 23, 1992 (imputation of access charges).